

Andrew Muscato
Jay B. Kasner (*pro hac vice*)
Alexander C. Drylewski (*pro hac vice*)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
(A Delaware Limited Liability Partnership)
One Manhattan West
New York, New York 10001
(212) 735-3000 (Telephone)
(212) 735-2000 (Facsimile)
Email: andrew.muscato@skadden.com
jay.kasner@skadden.com
alexander.drylewski@skadden.com

*Attorneys for Defendants Aquestive Therapeutics Inc.,
Keith J. Kendall, John T. Maxwell and Daniel Barber*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

----- X
: Civil Action No. 3:21-cv-03751-ZNQ-DEA
DEANNA LEWAKOWSKI, Individually:
and on behalf of all others similarly situated,: **Oral Argument Requested**
:
Plaintiff, :
:
v. : **NOTICE OF MOTION OF**
: **DEFENDANTS AQUESTIVE**
: **THERAPEUTICS INC.,**
AQUESTIVE THERAPEUTICS INC., : **KEITH J. KENDALL, JOHN T.**
KEITH J. KENDALL, and JOHN T. : **MAXWELL and DANIEL BARBER TO**
MAXWELL, : **(1) DISMISS THE AMENDED**
: **COMPLAINT AND (2) STRIKE**
Defendants. : **ALLEGATIONS THEREIN**
----- X

TO: Laurence M. Rosen
THE ROSEN LAW FIRM P.A.
One Gateway Center, Suite 2600
Newark, New Jersey 07102

Jonathan Horne
THE ROSEN LAW FIRM P.A.
275 Madison Avenue, 40th Floor
New York, NY 10016

Lead Counsel to Lead Plaintiff

PLEASE TAKE NOTICE that on November 15, 2021, Defendants Aquestive Therapeutics Inc., Keith J. Kendall, John T. Maxwell and Daniel Barber (the “Defendants”) shall move before the Honorable Zahid N. Quraishi, United States District Judge, at the Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street Trenton, NJ 08608, for an Order: (i) dismissing the Amended Complaint with prejudice pursuant to Federal Rules of Civil Procedure (“FRCP”) 9(b) and 12(b)(6) and the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-4; (ii) striking certain allegations therein pursuant to FRCP 12(f); and (iii) granting such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that in support of their motion, Defendants will rely on the Memorandum of Law and the Certification of Andrew Muscato with exhibits dated August 16, 2021 that are being submitted herewith, together with all prior papers and proceedings herein.

PLEASE TAKE FURTHER NOTICE that annexed hereto is a proposed form of Order on the motion.

PLEASE TAKE FURTHER NOTICE that Defendants respectfully request oral argument on the motion.

Dated: August 16, 2021

SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
(A Delaware Limited Liability
Partnership)

*Attorneys for Defendants Aquestive
Therapeutics Inc., Keith J. Kendall, John
T. Maxwell and Daniel Barber*

By: s/Andrew Muscato
Andrew Muscato

Jay B. Kasner (*pro hac vice*)
Alexander C. Drylewski (*pro hac vice*)

CERTIFICATE OF SERVICE

I hereby certify that a copy of (i) this Notice of Motion, (ii) the accompanying Memorandum of Law, (iii), the accompanying Certification of Andrew Muscato with exhibits dated August 16, 2021, and (iv) a Proposed Order granting the motion were filed electronically with the United States District Court for the District of New Jersey through the Court's ECF System on this date. The Notice of Electronic Filing constitutes service on all parties under Rule 14(b)(1) of this Court's ECF Policies and Procedures listed in Local Civil Rule 5.2.

Dated: August 16, 2021

s/ Andrew Muscato
Andrew Muscato